

**REMARKS/ARGUMENTS**

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated July 7, 2003, claims 1-22 are pending in the application. Applicants respectfully request the Examiner for a reconsideration.

The allowability of claims 9 and 13-17 if rewritten in independent form is acknowledged.

Claim 12 stands objected to because it is incomplete. Applicants have amended claim 12, which is now believed to overcome this rejection. Claims 13, 18, 19, and 20 have been amended for clarification.

Claims 1-8, 11, 18, 19, 21, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Ibanez-Meier* (*Meier*, 6,151,308) in view of *Martin* (WO 99/23769). Applicants respectfully traverse.

Claim 1 is directed to a communications system that includes a plurality of high altitude communication devices and a user terminal establishing a plurality of multiple dynamic links corresponding respectively to the user terminal. The terminal generates multiple communication portions of a communication and transmits the multiple communication portions through the multiple dynamic link. A gateway terminal receives the communication portions from the high altitude

communication device and reassembles the communication portions into the communication. Thus, a communication from the user terminal is broken down into multiple portions and transmitted through multiple dynamic links. Thus, for each communication more than one high altitude communication device is used. It is not until the communication is received at the gateway terminal that the portions are reassembled. The *Meier* reference is very dissimilar to the system described in claim 1. The *Meier* reference teaches that the platform 110 enables multiple signals from multiple sources to be combined into one signal which is sent to a ground device 120. The process involved with the ground device is described in Figs. 6 and 7. The description of Fig. 6 begins on line 60 of Col. 12. As is stated, the communication platform may combine multiple signals and send the multiple signals to the user device. The user device may then separate out the signals. This is described in Fig. 6. Figure 7 describes how the ground device combines and sends signals to a communication platform. Thus, one combined signal is sent to the communication platform. This is described in Col. 13 beginning on line 21. This is opposite to that which is described in claim 1. As recited in claim 1, multiple communication portions of a communication are transmitted by a user terminal to multiple high altitude communication devices. The *Meier* reference describes sending one combined signal to the communication platform.

The Examiner also states on page 3, lines 5-6 of the Office Action that: "the ground device provided by the prior art is functionally the same as a gateway."

The Examiner points to the *Martin* reference for teaching a dynamic link. The Examiner states that, "Martin teaches about subscriber/user devices that are capable communicating/receiving and transmitting/voice, video, and data at broadband and/or narrow rates (see page 4, lines 2-9) wherein service is provided on demand (see page 11, lines 5-22) which is dynamic." Applicants agree with the Examiner's assessment that the *Meier* reference does not teach dynamic links. The passage in the *Martin* reference describes business service and consumer service that provides for different rates of service. The gateways in this passage are described as dedicated links or shared links. However, no teaching or suggestion is provided for dynamic links. In addition, the *Martin* reference fails to teach or suggest the use of multiple dynamic links for transmitting multiple communication portions that are derived from a communication. Thus, even if the references are combined, the recitations are not found. Applicants, therefore, respectfully request the Examiner for a reconsideration of claim 1.

Claims 2-8 are dependent upon claim 1 and are believed to be allowable for the same reasons set forth above.

Claim 20 describes a user terminal that includes a plurality of reconfigurable elements, a beamforming circuit, and a hub and router circuit that is used for the generation of and direction of a plurality of simultaneous multiple links for communication with the plurality of high altitude communication devices using the plurality of elements. This is believed to be allowable for the same reasons set forth above. That is, neither the *Meier* nor the *Martin* reference teaches the use of simultaneous multiple links for communication with the plurality of high altitude communication devices.

Claims 18, 19, 21, and 22 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier* in view of *Willis* (6,385,647). Applicants respectfully traverse. The *Willis* reference and the *Meier* reference fail to teach routing a plurality of datagrams through a plurality of multiple communication links and directing the datagrams from the plurality of high altitude communication devices to a gateway station. Applicants agree with the Examiner that a satellite 130 is illustrated in the *Willis* reference. However, what is not shown is a plurality of high altitude communication devices that receive datagrams of a communication through multiple dynamic links. Therefore, applicants respectfully request the Examiner to reconsider this rejection as well. Claim 19 is dependent on claim 18 and is believed to be allowable for the same reasons as claim 18.

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Claims 21 and 22 are also dependent on claim 21 and are believed to be allowable for the same reasons set forth above.

Should there be any questions regarding this matter, please contact the undersigned.

Should any fees be associated with this submission, please charge Deposit Account 50-0383, Customer No. 020991.

**PRELIMINARY AMENDMENT AND CORRECTIONS**

**TO DRAWINGS:**

Red-ink sketches of corrected versions of FIGS. 1 and 7A, each with a corrected reference numeral ("24" changed to --25-- in Fig. 1 and "18" changed to --118-- in Fig. 7A) were submitted on September 11, 2002 via facsimile (with Certification under 37 CFR 1.8 ) as a Preliminary Amendment (along with certain corrections to the Abstract and specification and the presentation of new claims 21 and 22). An automatic receipt from the Office's Right Fax machine acknowledging receipt of the 15-page transmission was received. Although the Office has not specifically acknowledged entry of this Preliminary Amendment and has not specifically approved the drawing corrections, since the Office Action indicates that Claims 1-22 are pending in this application it is believed that the Preliminary Amendment is of record and has been considered by the Examiner. The Examiner is requested to confirm entry of the Preliminary Amendment and specifically approve the drawing corrections. In

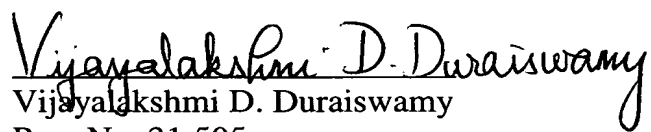
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anticipation of the Examiner's approval of the drawing corrections, two replacement sheets with the aforementioned changes made to Figs. 1 and 7A are submitted herewith as pages 15 and 16 of this amendment. Approval by the Examiner and forwarding to the Official Draftsperson for incorporation into the application before issuance is respectfully requested.

**INFORMATION DISCLOSURE STATEMENT:**

Although the Office Action Summary indicates that Information Disclosure Statement(s) PTO-1449 Paper No(s). 2 are attached, the undersigned did not receive the initialed PTO -1449 forms (two pages that were submitted on February 20, 2002). The Office is requested to mail the copies. Additionally, a Supplemental IDS with PTO forms and copies of references are submitted herewith.

Respectfully submitted,

  
Vijayalakshmi D. Duraiswamy  
Reg. No. 31,505  
Attorney for Applicants

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Hughes Electronics Corporation  
RE/R11/A109  
P.O. Box 956  
El Segundo, CA 90245  
Telephone: (310) 964-0733